

UNITED STATES DISTRICT COURT  
NORTHERN DISTRICT OF OHIO  
EASTERN DIVISION

LEE JONES,	)	CASE NO. 1:22-CV-01133
	)	
Petitioner,	)	JUDGE BRIDGET MEEHAN BRENNAN
	)	
v.	)	
	)	
WARDEN TIMOTHY MCCONAHAY,	)	<b><u>MEMORANDUM OPINION</u></b>
	)	<b><u>AND ORDER</u></b>
Respondent.	)	
	)	

Before the Court is the report and recommendation (“R&R”) of Magistrate Judge Jennifer Dowdell Armstrong (Doc. 10) recommending that Lee Jones’ (“Petitioner”) petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 be denied.

Petitioner is not represented by counsel. The docket reflects that a copy of the R&R, issued on July 10, 2024, was mailed to Petitioner at his address of record that same day.<sup>1</sup>

When a magistrate judge issues a R&R, the relevant statute provides:

Within fourteen days after being served with a copy, any party may serve and file written objections to such proposed findings and recommendations as provided by rules of court. A judge of the court shall make a de novo determination of those portions of the report or specified proposed findings or recommendations to which objection is made.

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<sup>1</sup> Petitioner’s traverse lists his address as Mansfield Correctional Institution, 1150 North Main Street P.O. Box 788, Mansfield, Ohio 44901, which differs from his address of record. (*Compare* Doc. 8 at PageID 452 *with* Doc. 1 at PageID 1.) Petitioner has not filed a notice of address change. Even as a *pro se* litigant, Petitioner has “an affirmative duty to supply the court with notice of any and all changes in [his] address.” *Barber v. Runyon*, 23 F.3d 406 (Table), 1994 WL 163765, at \*1 (6th Cir. May 2, 1994); *see also Roundtree v. Tibbals*, No. 3:16-cv-778, 2018 WL 1961157, at \*1 (N.D. Ohio Apr. 26, 2018) (applying duty to notify the court of any change of address to *pro se* prisoner). Failure to keep the Court apprised of his current address demonstrates “a lack of prosecution of [this] action.” *Roundtree*, 2018 WL 1961157 at \*1 (citing *Theede v. United States Dep’t of Labor*, 172 F.3d 1262, 1265 (10th Cir. 1999) and *Jordan v. Jave*, 951 F.3d 108, 109 (6th Cir. 1991)). This failure alone could warrant dismissal of the petition.


28 U.S.C. § 636(b)(1)(C) (flush language). The timeline for submitting objections as well as the consequences for failing to do so are plainly stated in the R&R. (Doc. 10 at PageID 508-09.)

Petitioner has stated no objections to the R&R and the time for submitting objections has long since passed. *See Peoples v. Hoover*, 377 F. App'x 461, 463 (6th Cir. 2010) (recognizing that courts have enforced the rule requiring objection to a magistrate report regularly against *pro se* litigants). The failure to file written objections to the magistrate judge's R&R constitutes a waiver of a *de novo* determination by the district court of any issue addressed in the R&R. *Thomas v. Arn*, 728 F.2d 813 (6th Cir. 1984), *aff'd* 474 U.S. 140, 106 S. Ct. 466, 88 L. Ed. 2d 435 (1985); *see also United States v. Walters*, 638 F.2d 947, 949-50 (6th Cir. 1981).

Notwithstanding, having reviewed the R&R in full, the Court hereby ACCEPTS and ADOPTS the R&R. The petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2254 is DENIED and this matter DISMISSED.<sup>2</sup> The Court further certifies that there is no basis on which to issue a certificate of appealability. 28 U.S.C. § 2253; Fed. R. App. P. 22(b).

**IT IS SO ORDERED.**

Date: October 10, 2024

  
BRIDGET MEEHAN BRENNAN  
UNITED STATES DISTRICT JUDGE

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<sup>2</sup> The Court removes Warden Douglas Fender as the respondent in this action and replaces him with Warden Timothy McConahay.